

EXHIBIT 5

Subject: FW: Hancock County

From: Andrea Runyan [<mailto:andreagna@bellsouth.net>]

Sent: Tuesday, May 17, 2016 4:44 PM

To: Custer, Bill; 'Barry Fleming'

Cc: 'Adam Nelson'; 'Tiffany N. Medlock'; 'Kathy Ran'; 'Julie Houk'; 'John Powers'; Dempsey, Jennifer; Ost, Julia Fenwick; Parrington, Danielle

Subject: RE: Hancock County

Bill,

After several conversations with the staff of the BOER and Mr. Fleming, I think I understand the breakdown in communication.

First, the BOER is adamant that APPLICATIONS FOR ABSENTEE BALLOTS WERE NOT REJECTED and I concur. I believe you are deeming the statutory process for handling of incomplete or ineligible applications (due to lack of registration card) as a "rejection". Whereas, the BOER staff does not deem the state mandated process as rising to the level of "rejection".

Plain and simple, applications for absentee ballots were not denied, but returned for completion or further action.

Incomplete applications or applications failing to comply with the statute were sent a letter and/or blank registration card. In some circumstances the actual application was returned. As a result, the applicant was duly notified of the reason that an absentee ballot was not mailed to him or her. If the applicant did not have a registration card on file, the applicant was notified and sent a blank registration card. The inclusion of the registration cards and/or returned application reinforces the message of the letters.

It is clear that the BOER properly handled (but did not "reject") any ineligible applications for absentee ballots. The only items "rejected" were absentee **ballots** that were ineligible.

Second, your contention that the wording of the letter is confusing is simply not based in fact. Of the 50+- letters mailed, 20+- have been returned. Almost half of the people got the message and returned the missing information or registration card. It is possible some are still in the mail.

Even if the BOER agreed to accommodate your request to re-word and re-mail letters to the 30+- outstanding applicants, (AS A COURTESY) it is physically impossible to do so today. The one staff member that can ascertain the 30+- outstanding applicants and respective addresses from the original 50+- has poll training scheduled in between verifying ballots. If mailed today, it is unlikely that the letters could be delivered, corrections made and returned for the staff to mail ballots out by the Friday deadline.

I hope this clears up your concerns.

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From: Custer, Bill [<mailto:Bill.Custer@BryanCave.com>]
Sent: Tuesday, May 17, 2016 9:28 AM
To: Andrea Runyan; 'Barry Fleming'
Cc: 'Adam Nelson'; Tiffany N. Medlock; Kathy Ran; Julie Houk (jhouk@lawyerscommittee.org); John Powers (jpowers@lawyerscommittee.org); Dempsey, Jennifer; Ost, Julia Fenwick; Parrington, Danielle
Subject: RE: Hancock County

Andrea:

I'm not sure how to interpret your email below. It does not appear that you even understand the problem.

First, the issue is people whose requested an absentee ballot whose request was rejected by the BOER. The attachment to your email appears only to deal with **ballots** that have been rejected and not **requests** that have been rejected.

Second, we understand that the BOER has been rejecting requests for absentee ballots if there is not a signature card on file and sending voters the letter that Ms. Lammar was sent. The letter that was sent to Ms. Lammar was very misleading and to the extent a similar letter was sent to other voters who requested absentee ballots, this must be immediately corrected in time for these voters to cast an absentee vote if they so desire. It is not the fault of the public that this is happening. It is the fault of the BOER. The prior supervisor of elections tried to fix this problem and was fired for doing so. The BOER needs to come to terms with what it has done and what it needs to do in order to remedy the problems it has created.

In order to determine how the plaintiffs must proceed, we need answers to the following questions and quickly: How many such requests have been rejected by the BOER? What does the BOER plan to do about it? And when?

If we do not have a satisfactory answer to these questions by the end of the day, we have little choice other than to approach the Court for help.

Please let me hear from you as soon as possible.

Bill



William V. Custer

Partner

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From: Andrea Runyan [<mailto:andreagna@bellsouth.net>]
Sent: Monday, May 16, 2016 6:06 PM
To: Custer, Bill; 'Barry Fleming'
Cc: 'Adam Nelson'; Tiffany N. Medlock; Kathy Ran
Subject: RE: Hancock County

Gentlemen:

That the scope of the problem is the 10 voters we discussed: Actually 12 absentee ballots were rejected. 6 ballots had insufficient signature matches. 5 ballots lacked sufficient oath information. One ballot was returned as undeliverable. I have attached the spreadsheet documentation such.

That the problematic form letter we reviewed has been corrected. This is problematic. The deadline to submit an application requesting absentee ballots is Friday, May 20th. Even if it was possible to revise and forward letter tomorrow, the likelihood of delivery and return for the Friday deadline is nil. I understand Mr. Custer's concern for the wording and organization of the letter and there is always room for improvement, but the letter states that the "application" does not meet the criteria, it does not tell the voter her or she can not vote "in person". The BOER needs a voter registration card for absentee ballots whereas the card is not needed for those appearing in public to vote. **Clearly Ms. Lamar did understand as she voted in person.**

That the previously affected voters are being contacted to correct any misperceptions created by the letter and ensure that they are given the opportunity to vote absentee. There is simply not enough time to reword and re-send letters to persons that do not have registration cards on file to process applications. Absentee ballots must be returned prior to 7:00 p.m. on election day. The budget and staff of the BOER are not equipped to accommodate this request this week.

Although, the staff and BOER disagree with the interpretation, out of an abundance of caution, the staff and chairman agreed for me to re-word the letter and the staff will forward as soon as the certifications and reporting are complete.

After talking with the staff, it seems the prior staff did not adhere to the rules and regulations letting incomplete applications and improperly executed absentee ballots count. Hence the public is not used to playing by the rules. In reality, past practices disenfranchised voters duly qualified to vote.

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